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SUBJECT: MEXICO: NEW DEVELOPMENTS IN BRAD WILL CASE

¶1. Summary. After several rounds of appeals and counter appeals, the Mexican court system effectively threw out the state's case against Juan Manuel Martinez Moreno, the accused assailant of Bradley Will. The Attorney General's Office of the Special Prosecutor for Crimes Against Journalists (FEADP) Attorney General (PGR) is in the process of considering its options in terms of investigating Will's murder. End Summary.

¶2. In July 2009, Will's accused assailant, Juan Manuel Martinez Moreno, filed his second appeal (amparo) challenging the state's case against him. On December 29, a Oaxacan federal judge ruled the state had presented insufficient evidence against Martinez. Notwithstanding, PGR's January 21 appeal of that decision, on February 17, a Federal Tribunal confirmed the federal judge's ruling and ordered the release of Martinez.

¶3. Julia Gonzalez, the Technical Secretary for PGR's International Coordinator, told PolCouns February 24 that PGR's Special Prosecutor for Crimes Against Journalists was exploring its options in the wake of ruling. She indicated one option was for the PGR to open a case against Martinez' alleged co-conspirators. She suggested this case could include Martinez. International Coordinator Adrian Franco explained PGR was not constrained against opening a new case against Martinez on the basis of double jeopardy as the first case never came to trial.

¶4. Comment: Mexico had already dedicated far in excess of the norm to investigate the 2006 murder of Will and develop its case against Martinez on the basis of forensic and separate circumstantial evidence. Independent investigations into the case by the Physicians for Human Rights (PHR) and a team of Canadian investigators had produced a mixed assessment of the evidence on which the PGR was basing its case against Martinez. The February decision tossing out PGR's case against Martinez, however celebrated by Will's family, represents a major blow to the PGR's efforts to resolve this case. The PGR has long maintained it could make a new and stronger case against Martinez based on evidence it has collected since the initial indictment. No doubt, however, it is weighing into its decision the Mexican courts' predisposition, to date, to rule repeatedly in Martinez' favor. End Comment.

FEELEY